



IN THE UNITED STATE DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

JULIE ANN MANGINA,

Plaintiff,

vs.

CONSECO FINANCE CORP.,
GREEN TREE SERVICING, LLC, and
CHRISTY MARIE GLENN KNIGHT,

Defendants.

CIVIL ACTION NO. 2:05-cv-485-B

AFFIDAVIT OF ROBERT D. ELLER

My name is Robert D. Eller. I am the Regional manager for the Birmingham, Alabama office of Green Tree-AL LLC, which is an affiliate of Green Tree Servicing, LLC. I have personal knowledge of the matters set forth herein.

I am aware that Julie Ann Mangina filed the civil suit in which this affidavit is given, alleging that Christy Marie Glenn Knight obtained a credit report on Mangina through Knight's position and with Green Tree in June, 2003.

Christy Marie Glenn Knight is employed as an inventory control assistant in the Birmingham office of Green Tree-AL, LLC and has held that position since before June, 2003.

I am familiar with the facilities and capabilities of data collection and access available to Christy Marie Glenn Knight in June, 2003 and can assert that Ms. Knight did not have the capability to access or obtain a credit report from the Birmingham office of Green Tree in June, 2003. At that time, credit reports could only be accessed by the Tempe, Arizona or Rapid City, South Dakota offices of Green Tree Servicing, LLC. Rather than a credit report, any information available to Christy Marie Glenn Knight would have been generic information that is publicly and generally available on the

internet through the use of a common search engine.

I am also familiar with the corporate organization and history of Green Tree-AL LLC, Green Tree Servicing LLC and Consecro Finance Corp. Green Tree-AL LLC was formerly known as Consecro Finance Corp.-Alabama, and Green Tree Servicing LLC was formerly known as Consecro Finance Servicing Corp. Both entities were formerly wholly owned subsidiaries of Consecro Finance Corp. Beside Green Tree-AL LLC (f/k/a Consecro Finance Corp.-Alabama) and Green Tree Servicing LLC (f/k/a Consecro Finance Servicing Corp.), Consecro Finance Corp. had several other financially-related subsidiaries including but not limited to Green Tree Retail Services Bank, Inc., Mill Creek Bank, Inc., Mill Creek Servicing Corporation, and Consecro Finance Credit Card Funding Corp.

In December 2002, Consecro Finance Corp. and certain subsidiaries, including Green Tree Servicing LLC (f/k/a Consecro Finance Servicing Corp.) filed for bankruptcy protection under Chapter 11. In February 2003, Green Tree-AL LLC (f/k/a Consecro Finance Corp.- Alabama) and certain other Consecro Finance Corp. subsidiaries filed for bankruptcy protection under Chapter 11. During the consolidated bankruptcy proceedings, various assets of Consecro Finance Corp. were sold. The servicing rights to the manufactured housing portfolio and the capital shares in Consecro Finance Corp.-Alabama and Consecro Finance Servicing Corp. were sold to CFN Investment Holdings LLC. Certain other assets such as the servicing systems and accounts for Consecro Finance Corp.'s private label credit card business were sold to General Electric Capital Corporation. The sales of all of these assets were closed in June 2003.

It is my understanding that this lawsuit concerns a credit inquiry made on or

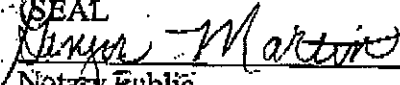
about June 9, 2003 by Conseco Finance Corp. This credit inquiry could not have come from the Birmingham office because the Birmingham office could not pull credit reports on individuals. As the credit identifier lists Conseco Finance Corp. with an address in Rapid City, South Dakota, the credit pull could have been performed by any number of other Conseco Finance Corp. subsidiaries during the line and scope of their businesses.



ROBERT D. ELLER

SWORN TO AND SUBSCRIBED before me this the 31 day of MARCH, 2006.

SEAL



Notary Public

My Commission Expires:

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Aug 11, 2008
BONDED THRU NOTARY PUBLIC UNDERWRITERS